

**REMARKS**

By this Amendment, Applicant cancels claim 2 and adds claim 38, hence, claims 1 and 3-38 are currently pending in the application. Claims 3-37 are amended merely to improve clarity, and do not contain new matter.

**Allowable Subject Matter**

Applicant thanks the Examiner for indicating that independent claim 4 contains allowable subject matter. However, Applicant respectfully requests that the Examiner hold in abeyance the rewriting of claim 4 into independent form as the claims are believed to be allowable over the prior art of record.

**Claims 17-27**

Claims 13, 17, 23-25 and 27 are amended to improve clarity and conformity with U.S. patent practice.

**§102(e) Rejection**

Claims 1, 3 5-9, 13 -15 and 17 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Aboul-Magd, *et al.* (U.S. Patent No 6,490,249; hereinafter “Aboul-Magd”).

Applicant respectfully traverses the rejection.

Claim 1 relates to a method of implementing an admission control algorithm in a telecommunications system. Claim 1(as amended) recites:

dynamically adapting at least one parameter of said algorithm as a function of a traffic model representative of traffic present,

wherein said traffic model includes one or more parameters representative of at least one type of traffic present.

Aboul-Magd, which the Examiner cites as allegedly disclosing the features of claim 1, relates to a hybrid CAC (connection admission control) function that combines mathematical and measurements aspects of traffic to control admission to a network. See Aboul-Magd, col. 5, lines 34-39. When accounting for the measurement-based portion of the hybrid CAC, Aboul-Magd discloses a parameter  $U_{bf}$  that limits utilization of the system to a percentage of the link capacity. The parameter  $U_{bf}$  is changeable depending on the time of the day to reflect the expected traffic pattern. See Aboul-Magd, col. 6, lines 32-40.

The Examiner further cites column 1, line 23-26 of Aboul-Magd, and asserts that the claimed “said traffic model includes one or more parameters representative of at least one type of traffic present” reads on the traffic characteristics (peak rate, max load, sustain rate, and burst size) disclosed in the reference. However, the Examiner already asserted that the “expected traffic pattern” corresponds to the claimed “traffic model”. Aboul-Magd does not teach or suggest that the “expected traffic patterns” are based on the traffic characteristics such as peak rate, max load, sustained rate and burst size. Indeed, taking into account what Aboul-Magd discloses as a whole, the “traffic characteristics” are taught in regard to the mathematical-based portion of the hybrid CAC, but not the measurement based portion. See Aboul-Magd, col. 1, lines 22-34 (“The values assigned to this set of traffic characteristics are often based on the user’s best guess...[c]onsequently *these values may bear little resemblance to the actual user activity and traffic pattern*” (emphasis added)).

Applicant respectfully submits that independent claim 1 is not anticipated under 35 U.S.C. § 102(e) by Aboul-Magd, because the reference does not teach or suggest all of the features and limitations of the claim. Accordingly, Applicant respectfully requests that the

Examiner withdraw the rejection of independent claim 1, and dependent claims 3-10, 13-15 and 17-27 *at least* by virtue of their dependencies.

**§103(a) Rejection**

Claims 28-31, 33 and 34-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aboul-Magd in view of Vilander, *et al.* (U.S. Patent Publication No. 2004/0010609; hereinafter "Vilander"). Claim 16 is rejected is rejected under 35 U.S.C. §103(a) as being unpatentable over Aboul-Magd in view of Bjoerkman, *et al.* (U.S. Patent Publication No. 2005/0152272; hereinafter "Bjoerkman"). Claims 11 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aboul-Magd in view of Kola, *et al.* (U.S. Patent Publication No. 2004/0213165; hereinafter "Kola"). Applicant respectfully traverses the rejections.

Applicant respectfully submits that Vilander, Bjoerkman and Kola do not compensate for the deficiencies of Aboul-Magd with regard to independent claim 1. Therefore, claims 11, 12, 16, 28-31, 33, and 34-36 are *at least* patentable by virtue of their dependency from independent claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 11, 12, 16, 28-31, 33 and 34-36.

**New Claim 38**

Applicant respectfully submits that new claim 38 is *at least* patentable by virtue of its dependency from independent claim 1.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116  
Application No.: 10/615,850

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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